

ARTICLE 7. DISCIPLINE

Section 1390. Discipline.

The facility administrator shall develop written policies and procedures for the discipline of minors that shall promote acceptable behavior. Discipline shall be imposed at the least restrictive level which promotes the desired behavior. Discipline shall not include corporal punishment, physical or psychological degradation or deprivation of the following:

- (a) bed and bedding;
- (b) daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;
- (c) full nutrition;
- (d) contact with parent or attorney;
- (e) exercise;
- (f) medical services and counseling;
- (g) religious services;
- (h) clean and sanitary living conditions;
- (i) the right to send and receive mail; and,
- (j) education.

The facility administrator shall establish rules of conduct and disciplinary penalties to guide the conduct of minors. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all minors. Provision shall be made to provide the information to minors who are impaired, illiterate or do not speak English.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1391. Discipline Process.

The facility administrator shall develop written policies and procedures for the administration of discipline which shall include, but not be limited to:

- (a) designation of personnel authorized to impose discipline for violation of rules;

- (b) prohibiting discipline to be delegated to any minor;
- (c) definition of major and minor rule violations and penalties, and due process requirements;
- (d) minor rule violations which may be handled informally by counseling or advising the minor of the expected conduct or by the imposition of a minor penalty; segregation for a minor violation shall not exceed 24 hours; discipline shall be accompanied by written documentation and a policy of review and appeal to a supervisor; and,
- (e) major rule violations which include but are not limited to: any violation that results in segregation for 24 hours or more, or extension of time in custody. Major rule violations and the discipline process shall be documented and require the following:
 - (1) written notice of violation prior to a hearing;
 - (2) hearing by a person who is not a party to the incident;
 - (3) opportunity for the minor to be heard, present evidence and testimony;
 - (4) provision for minor to be assisted by staff in the hearing process;
 - (5) provision for administrative review.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.